



Health Facility Compliance Guidance Letter

Number: GL 21-2004-A
Title: In-Person Religious Counselor Visitation During a Public Health Emergency (SB 572-87R) [Amended]
Provider Types: General and Special Hospitals, Special Care Facilities
Date Issued: September 30, 2022

1.0 Subject and Purpose

This amended guidance letter replaces the previous GL 21-2004, issued on September 15, 2021, to notify providers the Texas Health and Human Services Commission (HHSC) adopted rules in Texas Administrative Code Title 25 (25 TAC) Chapter 133 and 26 TAC Chapter 506 to implement [Senate Bill \(SB\) 572](#), which are described in this guidance letter. These rules, which took effect September 29, 2022, were published in the September 23, 2022, issue of the *Texas Register* (47 TexReg 6197; 47 TexReg 6200). Refer to new [Section 2.1](#) below for more information about these rules.

HHSC provides guidance to licensed providers on legislation passed during the 87th Legislature, Regular Session (2021). SB 572, relating to in-person visitation of religious counselors with certain health care facility patients and residents during a public health emergency, took effect June 14, 2021.

This letter provides instruction to general and special hospitals and special care facilities on the passage of SB 572 and outlines provider responsibilities and expectations.

Note: General and special hospitals must also comply with HB 2211, relating to in-person visitation with hospital patients during certain periods of disaster. [Refer to Guidance Letter \(GL\) 21-2003-A](#), issued on September 30, 2022, for details.

2.0 Legislative Details & Provider Responsibilities

SB 572 added [Texas Health and Safety Code \(HSC\) Chapter 260C](#), which requires a general or special hospital or a special care facility to permit, at the request of a patient or the patient's legally authorized representative, a religious counselor¹ to visit the patient during a public health emergency,² unless a federal law or a federal agency requires the facility to prohibit in-person visitation during that period.³

SB 572 requires HHSC to adopt rules, as soon as practicable, providing guidelines to assist health care facilities with establishing in-person religious counselor visitation policies and procedures.⁴ SB 572 states the guidelines must:

- Establish minimum health and safety requirements for in-person visitation with religious counselors;
- Allow facilities to adopt reasonable time, place, and manner restrictions on in-person visitation with religious counselors to:
 - Mitigate the spread of a communicable disease; and
 - Address the patient's or resident's medical condition;
- Provide special consideration to patients and residents who are receiving end-of-life care; and
- Allow health care facilities to condition in-person visitation with religious counselors on the counselor's compliance with the HHSC rules adopted to implement SB 572 and the facility's policies and procedures.⁴

2.1 HHSC Rules Implementing HB 572

To comply with SB 572's provisions, HHSC adopted new rules at [25 TAC §133.51](#) and [26 TAC §506.39](#), which took effect September 29, 2022.

3.0 Background/History

SB 572 requires general and special hospitals and special care facilities to permit a patient's in-person visitation with a religious counselor during a

¹ Defined at HSC §260C.001(3).

² Defined at HSC §260C.001(2).

³ HSC §260C.002(c).

⁴ HSC §260C.002(b).

qualifying period of disaster, unless a federal law or agency requires the hospital to prohibit in-person visitation during that period.

4.0 Resources

View SB 572 (87th Legislature, Regular Session, 2021) at:
<https://capitol.texas.gov/tlodocs/87R/billtext/html/SB00572F.htm>.

View Texas Health and Safety Code Chapter 260C at:
<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.260C.htm>.

View Guidance Letter 21-2003-A, In-Person Hospital Visitation During Certain Periods of Disaster (HB 2211-87R), at:
<https://www.hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-21-2003.pdf>.

View 25 TAC §133.51 at:
[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_d ir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=25&pt=1&ch=133&rl=51](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_d ir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=25&pt=1&ch=133&rl=51).

View 26 TAC §506.39 at:
[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_d ir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=506&rl=39](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_d ir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=506&rl=39).

To receive future updates, sign up for GovDelivery at:
<https://service.govdelivery.com/accounts/TXHHSC/subscriber/new>.

5.0 Contact Information

If you have any questions about this letter, please contact the Policies and Rules Unit by email at: HCR_PRU@hhs.texas.gov.